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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,352

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Yoshiaki Sato

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EXAMINER

ABYANEH, SHILA

ART UNIT

PAPER NUMBER

3764

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,352	<b>Applicant(s)</b> SATO, YOSHIAKI	
	<b>Examiner</b> SHILA ABYANEH	<b>Art Unit</b> 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-9,13-15 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-9,13-15 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/04/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/02/2009</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs US Patent No. 5,968,073, in view of Burgert et al. US Patent No. 4,984,579 and further in view of Matsui US Patent No. 6,551,237 B2.

Regarding claims 1, 4, 7-9, Jacobs teaches a muscle strength increasing system used for developing muscles of at least one of the limbs of a wearer while restricting the blood flow therethrough by means of applying a predetermined compression pressure to the limb, the muscle strength increasing system comprising a muscle strength increasing device having a compressing member for tightening and compressing muscles and compression pressure controller for controlling the compression pressure (Fig. 2, col. 5 lines 9-40), the compression pressure controller being for controlling the compression pressure/time interval during which the pressure is applied, so that it does not exceed a preset critical compression pressure/duration (col. 6 lines 14-24), the compression pressure controller comprising: Predetermine first input means (27) and a predetermined second input means (25) (also the buttons 26 on the housing 16 are input means both for the patient and the physician (Fig. 2)).

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Regarding claim 2, Jacobs teaches a muscles strength increasing system wherein the muscle strength increasing device comprises a hollow tight fitting band (34) having a tube therein (32) to which the air is to be supplied with a predetermined pump (28), and fastening means for use in keeping a length of the tight fitting band in a loop having a desired size (Fig. 2, col. 5 lines 34), the muscle strength increasing system comprising a pressure gauge for measuring the air pressure within the tube (44), the compression pressure controller being adapted to control the compression pressure based on the air pressure within the tube that is measured by the pressure gauge (col. 5 lines 59-67).

Jacobs teaches the invention as substantially claimed. See above. Although Jacobs teaches input means such as the wired or wireless remote controllers 25 and 27 as well as buttons 26 on the housing, Jacobs does not specifically teach a first/second input means for supplying the preset critical/maximum compression pressure to a first/second recording means through its operation, wherein the maximum value of the compression pressure is controlled not to exceed the preset critical compression pressure, and wherein the main body has the second recording means, but Burgert does.

Regarding claims 1, 4, 7-9, Burgert teaches a predetermined first input means (through 28) for supplying a preset critical compression pressure/duration to a first recording means, the compression pressure controller controlling the compression pressure/duration based on the preset critical compression pressure recorded on the first recording means (Col. 2 lines 16-20, 62-68, col. 3 lines 1 and 59-62, col. 4 lines 5-

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25, claim 12 part (b), claims 13 and 16, Burgert teaches a pressure preset control 30 through which a physician presets a compression pressure value that is suitable to a patient. Although it is not specifically stated, it is inherent that the pressure value that is preset by the doctor is recorded in the system); a predetermined second input means (34) for supplying the maximum value of the compression pressure to a second recording means through its operation, the maximum value of the compression pressure/time interval being controlled not to exceed the preset critical compression pressure ; and a main body having the second recording means (Col. 2 lines 16-20, 62-68, col. 3 lines 1 and 59-62, col. 4 lines 41-59, claim 6 and 16, Although it is not specifically stated, it is inherent that the pressure value that is manually changed by the patient is recorded in the system since the system will then has to provide the pressure that the patient has specified and this recording means will inherently be in the housing 16).

Regarding claim 5, Burgert teaches a compression pressure controller having time counting mean for measuring time during which the compression pressure is applied, the compression pressure controller being adapted to reduce the compression pressure when the time measured by the time counting means exceeds a predetermined time interval (col. 6 lines 47-49, since at the end of the time interval B deflation starts, a timer has to inherently exist to keep track of the time interval). Burgert provides motivation in col. 2 lines 16-20.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jacobs' invention with a input/recording means to set

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critical and maximum pressure/duration as taught by Burgert in order for a physician to provide each patient/user with a critical pressure that is suitable to that patient who need not know an optimum pressure level for him/her self and prevents any harm to the user.

Jacobs in view of Burgert teaches the invention as substantially claimed. See above. Jacobs teaches input means that are either wired or wireless, however, Jacobs does not specifically mention the first input means/remote controller 27 being adapted to freely be attached to and removed from the main body, but Matsui does.

Regarding claims 1, 4, 7-9, Matsui teaches a remote controller (106) that can be freely attached or removed from a main body (105, col. 2 lines 59-61).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jacobs' input means in view of Burgert with an input means that is freely attached and removed from a main body as taught by Matsui in order to enable a doctor attach the input means to many other main bodies as well or to substitute one for another easily.

Claims 13-15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs, Burgert and Matsui as applied to claims 8 and 9 above, and further in view of Englehardt et al. US Patent No. 4,831,242.

Jacobs in view of Burgert and Matsui teaches the invention as substantially claimed. See above. However, neither Jacobs nor Burgert and Matsui teach an

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authentication means for determining whether or not an input from the first input unit is allowed, but Englehardt does.

Regarding claims 13 and 19, Englehardt teaches an authentication means for determining whether or not an input from a first input means is allowed, wherein the input from said first input means is accepted only when said authentication means performs authentication indicating that the input is permitted, (col. 2 lines 18-24, the control system with an input device includes a card reader for reading a membership card to authenticate a user).

Regarding claims 14 and 20, Englehardt teaches an authentication means comprising: an authentication operator for entering data for authentication; and decision means for determining whether the data for authentication received from the authentication operator are valid, said authentication being made when said authentication means determines that said data for authentication are valid, (col. 2 lines 18-24, col. 3 lines 12-14, col. 6 lines 40-63 and col. 7 lines 20-32, the control system with an input device includes a card reader that identifies a user based on the information on their card. Although it is not exclusively stated, it is implied that a decision means must exist in order to authorize a user based on the information provided on the card).

Regarding claims 15 and 21, Englehardt teaches an authentication means being configured to read data for authentication from a predetermined recording medium; and to determine whether the data for authentication from the predetermined recording medium are valid; the authentication being made when the authentication means determines that the data for authentication are valid (col. 2 lines 18-24, col. 3 lines 12-14,

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col. 6 lines 40-63 and col. 7 lines 20-32, since the authentication means requires comparison of the input data with a previously entered data, it is inherent that the previously entered data is stored for comparison purposes).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jacobs' invention in view of Burgert and Matsui with an authentication means as taught by Englehardt in order to prevent any non-authorized user/physician control the different parameters and cause harm.

Below is another rejection set forth for claims 13-15 and 19-21.

Claims 13-15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs, Burgert and Matsui as applied to claims 8 and 9 above, and further in view of Imai US Patent No. 7,603,282 B2.

Jacobs in view of Burgert and Matsui teaches the invention as substantially claimed. See above. However, neither Jacobs nor Burgert and Matsui teach an authentication means for determining whether or not an input from the first input unit is allowed, but Imai does.

Regarding claims 13 and 19, Imai teaches an authentication means for determining whether or not an input from a first input means is allowed, wherein the input from said first input means is accepted only when said authentication means performs authentication indicating that the input is permitted (Fig. 10, col. 12 lines 18-25).



Regarding claims 14 and 20, Englehardt teaches an authentication means comprising: an authentication operator for entering data for authentication; and decision means for determining whether the data for authentication received from the authentication operator are valid, said authentication being made when said authentication means determines that said data for authentication are valid (Fig. 10, col. 12 lines 18-28).

Regarding claims 15 and 21, Englehardt teaches an authentication means being configured to read data for authentication from a predetermined recording medium; and to determined whether the data for authentication from the predetermined recording medium are valid; the authentication being made when the authentication means determined that the data for authentication are valid (Fig. 10, col. 12 lines 18-28).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jacobs' invention in view of Burgert and Matsui with an authentication means as taught by Imai in order to prevent any non-authorized user/patient/or physician control the different parameters regarding the appropriate pressures for the particular user/patient and cause harm.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4 and 7-9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHILA ABYANEH whose telephone number is (571)270-7403. The examiner can normally be reached on 7:30 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn H. Thanh can be reached on (571)272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A./  
Examiner, Art Unit 3764  
01/25/2010

/LoAn H. Thanh/  
Supervisory Patent Examiner, Art Unit 3764